

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK MONACO BAZZO,

Plaintiff,

v.

S. GATES,

Defendant.

Case No. 1:21-cv-01343-ADA-CDB (PC)

**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE
IMPOSED FOR DEFENDANTS'
FAILURE TO FILE AN OPPOSITION
OR STATEMENT OF
NON-OPPOSITION**

(Doc. 54)

Plaintiff Frank Monaco Bazzo is a state prisoner proceeding pro se in this civil rights action filed under 42 U.S.C. § 1983.

On December 11, 2023, Plaintiff filed a document titled “Plaintiff’s Notice of Motion and Motion for Judgment on the Pleadings; Notice of Motion and Motion for Permanent Injunction [sic] Relief.”¹ (Doc. 54.)

The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide, “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for the imposition by the Court of any and all sanctions authorized by statute or Rule

¹ Plaintiff’s filing reflects a purported hearing date and time of January 7, 2024 (a Sunday) at 10:00 a.m. (Doc. 54.) However, pursuant to Local Rule 230(l), all motions in prisoner actions “shall be submitted upon the record without oral argument unless otherwise ordered by the Court. Such motions need not be noticed on the motion calendar.” Plaintiff’s motion(s) will be decided without a hearing.

1 or within the inherent power of the Court.” Local Rule 110. Pursuant to Local Rule 230(l), any
2 opposition “to the granting of [a] motion shall be served and filed by the responding party not
3 more than twenty-one (21) days after the date of service of the motion. A responding party who
4 has no opposition to the granting of the motion shall serve and file a statement to that effect”
5 Because Plaintiff filed and served his motion on December 11, 2023, any opposition or statement
6 of non-opposition by Defendants was due to be filed no later than January 2, 2024.² Despite the
7 passage of more than 21 days, Defendants have failed to file either an opposition or statement of
8 non-opposition to Plaintiff’s motion.

9 Accordingly, the Court **ORDERS** Defendants to show cause in writing, **within 7 days** of
10 the date of service of this order, why sanctions should not be imposed for their failure to comply
11 with the Local Rules. Alternatively, within that same time, Defendants may file an opposition or
12 statement of non-opposition to Plaintiff’s motions filed December 11, 2023.

13 IT IS SO ORDERED.

14 Dated: **January 5, 2024**

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16 UNITED STATES MAGISTRATE JUDGE

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28 ² Because the twenty-first day fell on the legal holiday of January 1, 2024, the filing became due the next business day.